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**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

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DAVITA M. KEY, )  
                        )  
Plaintiff,         )  
                        ) Civil Action Number:  
v.                    )  
                        ) 2:19-cv-767-ECM-SMD  
DYNAMIC SECURITY, INC., )  
                        )  
Defendant.         )

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**PLAINTIFF'S FOURTH MOTION IN LIMINE  
MOTION TO EXCLUDE REFERENCE TO AND/OR EVIDENCE OF THE  
FINDINGS OF THE ALABAMA DEPARTMENT OF LABOR  
CONCERNING THE PLAINTIFF'S EFFORTS TO OBTAIN  
UNEMPLOYMENT COMPENSATION**

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COMES NOW the Plaintiff and moves this Court to enter an Order that no party or witness shall refer to determination(s) made by the Alabama Department of Labor concerning the Plaintiff's efforts to obtain unemployment compensation benefits.

This motion should be granted for the following reasons:

1. The jury will determine whether Dynamic Security retaliated against the Key in violation of 42 U.S.C. § 1981 when it did not place her in an employment assignment after she complained of race discrimination and filed a Charge of Discrimination complaining of race discrimination.
2. This case does not concern whether Key received or was entitled to unemployment compensation benefits. Any reference in argument or evidence as to any finding of the Alabama Department of Labor concerning Key's efforts to obtain unemployment compensation would be inadmissible under Rules 401-402 of the Alabama Rules of Evidence because it would only serve to confuse and/or mislead the jury. *See Dagnesses v. Target Media Ptnr. Operating Co.*, No. 1:15-cv-23989-UU, 2016 U.S. Dist. LEXIS 199581, at \*12-13 (S.D. Fla. Nov. 14, 2016) (granting motion in limine in employment discrimination case to exclude unemployment determination as being irrelevant to the employment discrimination claims).

WHEREFORE, PREMISES CONSIDERED, the Plaintiff moves this Court to enter an Order that no party or witness shall refer to determination(s) made by the Alabama Department of Labor concerning the Plaintiff's efforts to obtain unemployment compensation benefits.

RESPECTFULLY SUBMITTED BY  
THE ATTORNEYS FOR PLAINTIFF:

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**Plaintiff's Fourth Motion in Limine – Unemployment Determination**

## CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was served on all counsel of record via the Court's electronic filing system on February 24, 2023:

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